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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,092	09/12/2000	Faroog Ullah Khan	3-53	7324
46290	7590	05/16/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON/LUCENT			KADING, JOSHUA A	
10333 RICHMOND, SUITE 1100			ART UNIT	
HOUSTON, TX 77042			PAPER NUMBER	

2661

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,092

Applicant(s)

KHAN ET AL. 

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,477,550, Crisler et al. (Crisler).

In regard to claim 1, Crisler et al. disclose "a method for receiving information in a communication system that user ARQ with IR, the method comprises the step of: deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in the received information (*col. 4, lines 23-30 where the error coding acts as a status flag indication by indicating that the received information has coding applied to it, the error coding is included in a field of the message as read in col. 3, lines 3-5*) and a decoding operation performed on the received information (*col. 4, lines 30-46 where the error coding is used in a decoding operation performed on the received information and the appropriate confirmation message, either a "message-received" or "partially-received", is sent based on the decoding results*)."

In regard to claim 2, Crisler discloses, "the method of claim 1 wherein the step of deciding which of the plurality of confirmation messages to transmit comprises waiting for NEW information (*col. 4, lines 30-46 where all NEW (not previously received) information will need to be acknowledged by one of the confirmation messages*)."

In regard to claim 3, Crisler discloses, "the method of claim 1 further comprising waiting for NEW information after a positive confirmation message was transmitted (*col. 4, lines 30-46 where after a positive confirmation message (message-received) is sent, the receiver will inherently wait for NEW information, it doesn't simply stop receiving because it previously positively acknowledged received information*)."

In regard to claim 4, Crisler discloses, "the method of claim 1 further comprising transmitting a positive confirmation message after receiving NEW information while waiting for either NEW or CONTINUE information (*col. 4, lines 30-46 where after a positive confirmation message (message-received) is sent, the receiver will inherently wait for NEW information, it doesn't simply stop receiving because it previously positively acknowledged received information; further, receiver of Crisler is capable of waiting for CONTINUE (retransmitted) data while receiving NEW information as read in col. 5, lines 10-40*), decoding said received NEW information successfully and discarding any previously received information (*col. 5, lines 36-40 where the transmission acknowledgement positively confirms the message and the unbuffering is the act of discarding previously received and positively acknowledged information*)."

In regard to claim 5, Crisler discloses, "the method of claim 1 where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a positive confirmation message if the received information is NEW information and the decoding operation was successful (*col. 4, lines 30-35 where no errors is a successful decoding operation and a "message-received" communication is sent to positively confirm this*)."

In regard to claim 6, Crisler discloses, "the method of claim 1 where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a negative confirmation message if the received information is NEW information and the decoding operation was unsuccessful (*col. 4, lines 36-38 where errors detected is an unsuccessful decoding operation and a "partially-received" communication is sent to negatively confirm this*)."

In regard to claim 7, Crisler discloses, "the method of claim 6 further comprising the steps of waiting for CONTINUE information after the negative confirmation message was transmitted (*col. 4, lines 53-60 where the retransmission of the blocks that contained errors is in response to the negative confirmation message*); combining received CONTINUE information with previously received information (*col. 4, lines 56-60 when retransmitted data is received it is combined with the previously received information that did not contain errors so as to make a complete message*); and

performing a decoding operation on the combined information (*col. 4, lines 24-28 where although it is a retransmission, it still must pass the error detection (decoding) before being allowed to be reconstituted into the buffered data*)."

Response to Arguments

3. Applicant's arguments, see REMARKS, page 1, paragraph 2, filed 14 December 2004, with respect to the 35 U.S.C. 112, second paragraph rejections of claims 1-7 have been fully considered and are persuasive. The 35 U.S.C. 112, second paragraph rejections of claims 1-7 have been withdrawn.

4. Applicant's arguments filed 14 December 2004 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that the error detection field of Crisler is not the same as applicant's "information status flag" because they serve different purposes and contain different types of information (*REMARKS, page 2, paragraph 2*). Therefore, Crisler does not read on applicant's claimed invention. The examiner respectfully disagrees.

First, applicant contends that one way the error coding/detection of Crisler is different from applicant's invention is that the "status flag provides information indicative of the status of other information included [in] a transmitted block." There is no indication in the claim language that the status flag contains such information regarding

other transmitted blocks and it would be inappropriate to read such a limitation into the claim.

Regarding the error detection field: as read in Crisler, col. 3, lines 3-5 and col. 4, lines 30-46 the error detection field along with the error coding field associated with a sent message are used to determine whether the message was received in error and which confirmation messages to send. The error coding of Crisler is not explicitly used as a "status flag" of applicant's invention. However, the error coding indication is transmitted in a field, which is the functional equivalent of the status flag of applicant's invention as it informs the receiver of the status of the received message, i.e. the data is encoded. Therefore, Crisler fully reads on applicant's claimed invention.

5. Applicant's arguments with respect to the motivation of claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

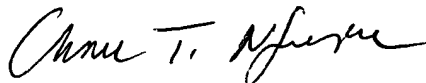
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

May 2, 2005



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600